

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CLIFF BERGLUND,

Plaintiff,

V.

BOEING COMPANY, INC.,

Defendant.

Civil No. 02-193-AS

ORDER

David J. Hollander  
HOLLANDER LEBENBAUM & GANNICOTT  
1500 S.W. First Avenue, Suite 700  
Portland, OR 97201-5860

Frederick M. Morgan, Jr.  
VOLKEMA THOMAS, LPA  
700 Walnut Street, Suite 400  
Cincinnati, OH 54202

Neil J. Evans  
UNITED STATES ATTORNEY'S OFFICE  
1000 S.W. Third Avenue, Suite 600  
Portland, OR 97204-2902

Attorneys for Plaintiff

Calvin L. Keith  
Steve Y. Koh  
PERKINS COIE, LLP  
1120 N.W. Couch Street, 10th Floor  
Portland, OR 97209-4128

Attorneys for Defendant

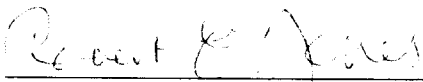
JONES, Judge:

Magistrate Judge Donald C. Ashmanskas filed Findings and Recommendation (#90) on June 1, 2006, in the above-entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Ashmanskas's Findings and Recommendation (#90) dated June 1, 2006, in its entirety. Boeing Company's motion (#76) to dismiss Count One of relator's second amended complaint is denied. Further, the FCA allegations regarding the hundreds of aircraft sold by Boeing using financing guaranteed by the United States Export-Import Bank, including paragraph one on page 34 of the second amended complaint, are stricken pursuant to Rule 12(f) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

DATED this 27<sup>th</sup> day of June, 2006.

  
ROBERT E. JONES  
United States District Judge 